

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

CHAPTER 9005. BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT

NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9005.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(1-a) "Director" means a member of the board of directors of the district.

(2) "District" means the Bell County Water Control and Improvement District No. 1.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 188 (H.B. 2105), Sec. 1, eff. September 1, 2019.

Sec. 9005.002. FINDING OF BENEFIT. The legislature finds that all property in the district will benefit from the improvements constructed, acquired, leased, or operated by the district.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Sec. 9005.0025. BOARD. (a) The district is governed by a board of seven elected directors. In addition to the elected board members, a nonvoting member chosen by the Fort Hood Military Reservation represents the interests of the reservation.

(b) The district shall hold an election to elect the appropriate number of directors on the uniform election date in November of each even-numbered year.

(c) The board shall divide the district into seven single-member director precincts that comply with the federal

Voting Rights Act of 1965 (52 U.S.C. Sections 10101 and 10301 et seq.) with:

(1) the precincts each containing an approximately equal number of voters; and

(2) the population of the City of Killeen divided into three precincts composed only of residents of the City of Killeen.

(d) The board may redraw the single-member director precincts in a manner that is reasonable and equitable:

(1) after any change in the boundaries of the district or of the City of Killeen; or

(2) by a resolution redrawing the director precincts adopted by a two-thirds majority of the board based on changed circumstances.

Added by Acts 2019, 86th Leg., R.S., Ch. 188 (H.B. [2105](#)), Sec. 2, eff. September 1, 2019.

Sec. 9005.003. DISTRICT TERRITORY. (a) The district is composed of the territory described by Subsection (b) and Section 1, Chapter 523, Acts of the 54th Legislature, Regular Session, 1955 (Article 8280-189, Vernon's Texas Civil Statutes), as that territory may have been modified under:

(1) Subchapter [J](#), Chapter [49](#), Water Code;

(2) Subchapter [O](#), Chapter [51](#), Water Code, before September 1, 1995;

(3) former Section 4A, Chapter 523, Acts of the 54th Legislature, Regular Session, 1955 (Article 8280-189, Vernon's Texas Civil Statutes); or

(4) other law.

(b) Effective September 1, 2019, the territory of the district includes the following areas as those areas are legally described on that date:

(1) the territory inside the corporate boundaries of:

(A) the City of Harker Heights;

(B) the City of Copperas Cove;

(C) the City of Belton; and

(D) the City of Killeen;

(2) the service area of the 439 Water Supply

Corporation;

(3) the territory of the Bell County Water Control and Improvement District No. 3; and

(4) the Bell County portion of the Fort Hood Military Reservation.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 188 (H.B. 2105), Sec. 3, eff. September 1, 2019.

Sec. 9005.004. ANNEXATION OF TERRITORY. (a) The board may submit for approval at an election the question of whether to automatically annex to the district territory later annexed by the City of Killeen or a political subdivision described by Section 9005.003(b) or to include territory added to the service area of the 439 Water Supply Corporation that is not already included in the district.

(b) An automatic annexation authorized under Subsection (a) is effective only after:

(1) the annexed area assumes its pro rata share of all bonds, notes, or other obligations or taxes owed, contracted, or authorized by the district; and

(2) that assumption is approved by a majority of the voters voting at an election held in the district territory as enlarged as a result of the annexation.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 188 (H.B. 2105), Sec. 3, eff. September 1, 2019.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 9005.051. GENERAL POWERS; APPLICABILITY OF OTHER LAW. The district has all powers granted to water control and improvement districts under the general laws of this state.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Sec. 9005.0515. LIMITATION OF DISTRICT POWER. In the territory of the district that coincides with the territory of the Bell County Water Control and Improvement District No. 3, the powers of the district, including the power to issue bonds and exercise eminent domain, are limited to the powers necessary to provide wholesale water service.

Added by Acts 2019, 86th Leg., R.S., Ch. 188 (H.B. 2105), Sec. 4, eff. September 1, 2019.

Sec. 9005.052. CONTRACTS TO LEASE AND OPERATE FEDERAL FACILITIES OR PROPERTIES. (a) The district may contract with the United States or any officer of the United States to lease or operate a facility or other property owned by the United States, inside or outside the district, to:

(1) supply, transport, and distribute fresh water, including a contract regarding water rights to appropriate and use public waters from the Leon River or Belton Reservoir; and

(2) collect, treat, and dispose of wastewater and sewage, including a contract regarding maintenance, repair, extension, or improvement of the facilities or other property.

(b) The contract provisions must be, as determined by the board, in the district's best interests in providing a water supply and sanitary sewer service for persons who reside in and in the vicinity of the district.

(c) The contract's initial period may not exceed 40 years.
Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Sec. 9005.053. PURCHASE OR USE OF WATER. (a) The district may:

(1) acquire a water or a water supply facility inside or outside the district from any person, including:

(A) this state or any agency or subdivision of this state; and

(B) the United States; and

(2) treat, use, distribute, and sell, inside or outside the district, any water the district acquires.

(b) Before exercising a power under Subsection (a), the board must determine that adequate provisions can be made to continue to serve the water requirements in the district.

(c) The district's powers under this section are under the continuing supervision of the Texas Commission on Environmental Quality under Chapters 5 and 6, Water Code.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

SUBCHAPTER C. FINANCIAL PROVISIONS

Sec. 9005.101. TAX METHOD. The district shall use the ad valorem method of taxation for all authorized taxes.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Sec. 9005.102. AUTHORITY TO ISSUE BONDS. (a) The district may issue bonds for the purpose of purchasing, constructing, acquiring, owning, operating, repairing, improving, enlarging, or extending any district works, improvements, facilities, plants, equipment, and appliances needed or useful to accomplish or carry out the purposes, powers, functions, or obligations of the district, including works, improvements, facilities, plants, equipment, and appliances needed to provide a waterworks system, sanitary sewer system, storm sewer system, or solid waste disposal system.

(b) To provide for the payment of bonds issued under this section, the district may:

(1) impose ad valorem taxes on all taxable property in the district;

(2) pledge all or any part of revenue available to the district from any source, including all or part of the revenue:

(A) resulting from the ownership or operation of the district's works, improvements, facilities, plants, equipment,

and appliances; or

(B) available under specific contracts for a period of time the district determines; or

(3) pledge any combination of the sources of taxes or revenue described by Subdivisions (1) and (2).

(c) Bonds secured by and payable solely from revenue under Subsection (b)(2):

(1) may be issued without an election; and

(2) are not subject to Section [49.181](#), Water Code.

(d) The district must hold an election in the manner provided by Chapters [49](#) and [51](#), Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(e) The district may exercise any of the rights or powers granted to the governing body of an issuer under Chapter [1371](#), Government Code.

(f) This section is wholly sufficient authority for the issuance of bonds, the pledge of revenues, taxes, or any combination of revenues and taxes, and the performance of other acts and procedures authorized by this section by the district without reference to any other provision of law or any restriction or limitation contained in those provisions, except as specifically provided by this section.

(g) To the extent of any conflict or inconsistency between this section and any other law, this section controls.

(h) The district may use any law not in conflict with this section to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this section.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. [2019](#)), Sec. 1.08, eff. April 1, 2007.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 60 (H.B. [1551](#)), Sec. 1, eff. May 17, 2011.

Sec. 9005.103. CANCELLATION OF CERTAIN BOND AUTHORITY. The district may cancel, by order adopted by the board, the authority to issue the \$4.5 million bonds authorized at an election held within

the district on August 30, 1952, to construct or purchase water and sewer facilities the United States has undertaken to construct. Added by Acts 2005, 79th Leg., Ch. 729 (H.B. [2019](#)), Sec. 1.08, eff. April 1, 2007.